

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

APELDYN CORPORATION,)	
)	
Plaintiff,)	
)	
v.)	
)	C.A. No. 11-440-SLR
SONY CORPORATION and)	
SONY ELECTRONICS INC.,)	
)	
Defendants.)	
)	
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APELDYN CORPORATION,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 11-581-SLR-MPT
)	
SAMSUNG ELECTRONICS CO., LTD. and)	
SAMSUNG ELECTRONICS AMERICA,)	
INC.,)	
)	
Defendants.)	

**PLAINTIFF APELDYN CORP.'S AND DEFENDANTS SONY CORPORATION, SONY
ELECTRONICS INC., SAMSUNG ELECTRONICS CO., LTD. AND SAMSUNG
ELECTRONICS AMERICA, INC.'S STIPULATION REGARDING CONSOLIDATION**

Plaintiff Apeldyn Corporation ("Apeldyn"), Defendants Sony Corporation and Sony Electronics Inc. (collectively "Sony") and Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc. (collectively, "Samsung"), by their undersigned counsel, respectfully submit the following:

WHEREAS, on May 19, 2011 Apeldyn filed a complaint alleging patent infringement against Sony, initiating the above-captioned Civil Action No. 11-440-SLR ("the Sony Action");

WHEREAS, on June 30, 2011, Apeldyn filed a complaint alleging patent infringement against Samsung, initiating the above-captioned Civil Action no. 11-581-SLR-MPT (“the Samsung Action”);

WHEREAS, on May 8, 2012, a Scheduling Order was entered in the Sony Action;

WHEREAS, on May 17, 2012, Sony and Samsung filed, in their respective cases, a motion to consolidate the Sony Action and the Samsung Action;

WHEREAS, on June 4, 2012, Apeldyn filed, in each case, its answering brief in opposition to the motion to consolidate;

WHEREAS, on or about June 13, 2012, Apeldyn retained new counsel, Tonkon Torp LLP, to represent it in the Sony Action and the Samsung Action;

WHEREAS, this Court’s judgment against Apeldyn in related case Civil Action No. 08-568-SLR is currently on appeal to the United States Court of Appeals for Federal Circuit in Appeal No. 2012-1172;

WHEREAS, on June 14, 2012, Apeldyn filed an unopposed motion in Federal Circuit Appeal No. 2012-1172 for an extension to September 21, 2012 to file its opening appeal brief; and

WHEREAS Apeldyn’s new counsel has conferred with counsel for Samsung and Sony regarding the pending motion to consolidate in the Sony and Samsung Actions, and the parties have resolved the motion, it is hereby stipulated, subject to Court approval, that:

1. The Sony Action and the Samsung Action shall be consolidated, and proceed using the Sony Action civil action number (“the Consolidated Action”);

2. As an initial matter, the Consolidated Action shall proceed under the Scheduling Order entered in the Sony Action, D.I. 35, without prejudice to Samsung and Sony’s rights to

seek modifications of the Scheduling Order for good cause, including, but not limited to seeking a stay of the Consolidated Action; and

3. The consolidation is subject to and without waiver of Samsung and Sony's rights to request that the Court sever, stay or otherwise exclude from the Consolidated Action all issues relating to allegedly infringing products that are manufactured by parties other than Samsung, Sony and their related entities.

Respectfully submitted,

BAYARD, P.A.

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Dated: June 14, 2012
1063350/33624

SO ORDERED, this ____ day of _____, 2012.

Honorable Sue L. Robinson, U.S.D.J.